

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE YONUEL LIZ BLANCO, on
behalf of himself and all other persons
similarly situated,

Plaintiff,

-against-

COMPASS CONSTRUCTION CO. OF
NEW YORK, INC. and SALVATORE
GARGANO,

Defendants.

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Appearances:

For the Plaintiff:

Michael Samuel
Samuel & Stein
38 West 32nd Street
New York, NY 10001

For the Defendants:

Heng Wang
Heng Wang & Associates, P.C.
305 Broadway, Suite 1000
New York, NY 10007

BLOCK, Senior District Judge:

On September 25, 2018, Magistrate Judge Orenstein issued a Report and Recommendation (“R&R”) recommending that the settlement in this action be approved. The R&R followed a hearing pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). A favorable *Cheeks* finding was entered as part of the R&R. *See* Dkt. 9/25/2018. The R&R was served electronically

on all parties and advised that objections were due by October 9, 2018. As of the date of this Order, no objections have been filed.

When no party has objected to a Magistrate Judge's report and recommendation, the Court may adopt it without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."). The Court may excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No plain error appears in the R&R. Accordingly, the Court adopts the R&R. The settlement is approved and the Clerk is directed to close the case.

SO ORDERED.

/s/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 8, 2019